

### Remarks

Applicants respectfully submit that the above amendment places the application in condition for allowance.

5           Claims 38-45 are in the case. Claims 27-37 are cancelled. Claim 38 is amended hereinabove. Claims 38-46 remain for consideration. No new matter has been added.

10           The specification is objected to as failing to provide antecedent basis for the claimed subject matter. Particularly in claims 27, 32, and 38 the term "...short message service application protocol layer..." is objected to. Claims 27-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Particularly in claims 27, 32, and 38, the term "...short message service application protocol layer..." was not understood.

15           Claims 27-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pohjakallio in view of Applicants' admission of prior art.

20           Claims 27-37 are cancelled to expedite allowance of the application. Applicants reserve the right to present these claims for consideration in the future.

25           Applicants have amended claim 38 to remove the objected to language. This amendment is made purely to more particularly point out and distinctly claim the subject matter that applicants regard as the invention. Applicants respectfully disagree with the definition of the term "short message service application protocol layer" that was used for examination purposes and reserve the right to object to this definition if necessary. However, as the term "short message service" was removed to make claim 38 more definite, this disagreement is moot.

30           Applicants also respectfully traverse the rejection of claim 38 under 35 U.S.C. 103(a). Applicants traverse this rejection on the grounds that the Office Action does not show that the prior art either alone or in combination shows every element of claim 38. Particularly, claim 38 requires:

35           1) that the message is divided into fragments based on the capacity of the conveying network such that the size of the fragments does not exceed the capacity of the conveying network, the capacity of the conveying network being a maximum amount of data that can be transmitted through the conveying network as a single package of data;

2) that the data packages, which include the fragments, and that are operable to be separately transmitted by a short message service over the conveying network, that these data packages also include a reference parameter corresponding to a number indicating the position of the fragments in the message; and

3) the dividing is done at the application protocol layer.

Applicants respectfully point out that the Office Action does not show what prior art discloses or suggests limitations 1 and 2 required by claim 38, nor does it show that Pohjakallio teaches or suggests limitations 1 and 2 of claim 38 or the amended limitation 3 or claim 38.

Particularly, although fragmentation of operational messages has been performed in lower layer operations in wireless networks (see Applicants' background), there is no teaching or suggestion that such fragmentations were based on the capacity of the conveying network such that the size of the fragments did not exceed the capacity of the conveying network. The capacity of the conveying network is a maximum amount of data that can be transmitted through the conveying network as a single package of data. (Note, that as defined in the specification as originally filed the conveying network is the path of the network over which the fragment will travel.)

Additionally, Applicants respectfully submit that the Office Action also does not show that limitation 3 is taught or suggested in the prior art. Particularly, Kralowetz et al. was cited in prior Office Actions to show that data is fragmented at the application protocol layer. Applicants respectfully submit that Kralowetz et al. does not teach or suggest that the data is fragmented at the application protocol layer as required by independent claim 38. In Kralowetz et al. data is fragmented in the proxy engine. Kralowetz et al. does not disclose at which protocol layer the proxy engine is located; therefore, Kralowetz et al. does not disclose that the proxy engine is located at the application protocol layer, nor does it state that the proxy engine could be at the application protocol layer in addition to being at other protocol layers. Kralowetz et al. does suggest that the proxy engine is at a layer below the application protocol layer. Particularly Kralowetz et al. discloses that applications can run above the proxy engine, column 3, line 58-59. This suggests that the proxy engine is at a layer below the application protocol layer since "[t]he application layer is the top layer of the model," column 2, lines 25-26.

Additionally, Kralowetz et al. discloses that "the proxy engine supports or enables multiple advanced features available with the Point-To-Point Protocol", column 3, lines 48-50, and that "the Point-To-Point Protocol (PPP) provides a standard method of encapsulating network layer protocol information over point-to-point links", column 2, lines 30-32. This also suggests that the proxy engine is at a layer below the application protocol layer. Therefore,

Kralowetz et al. does not teach or suggest that the data is fragmented at the application protocol layer as required by independent claim 38 and its dependent claims 39-46.

Furthermore, Applicants respectfully submit that the Office Action does not show that prior art teaches or suggests the combination of the limitations of claim 38, particularly the combination of limitation 1 with limitation 3.


In view of the above, Applicants respectfully submit that claims 38 and its dependent claims are allowable.

Applicants again respectfully request that the Examiner indicate whether the prior art in the related earlier application Serial No. 08/572,481 has been reviewed as required by M.P.E.P. § 2001.06(b). As stated in § 2001.06(b) "no separate citation of the same prior art need be made in the later application."

Furthermore, Applicants have not received a copy of the Information Disclosure Statement (filed on January 4, 2002) with either 1) the Examiners initial that the references have been considered or 2) a line through the citation if not in conformance and not considered. Applicants respectfully request that the Examiner send a copy of this Information Disclosure Statement with an indication that the reference in the Information Disclosure Statement has been considered.

If there are any outstanding issues, the Examiner is invited to call applicants' attorney at 908-582-2188 to discuss this application.

Respectfully submitted,  
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Lucent Technologies Inc.  
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**COMPUTER RED-LINED VERSION**

**Amendment in response to the Office Action dated March 22, 2002**

**Cancel claims 27 – 37.**

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**Replace Claim 38 as follows:**

38 (amended). A method for transmitting a message over a conveying network in more than one data package, the method comprising:

10 dividing the message into fragments at an ~~short message service~~ application protocol layer based on the capacity of the conveying network such that the size of the fragments does not exceed the capacity of the conveying network, the capacity of the conveying network being a maximum amount of data that can be transmitted through the conveying network as a single package of data; and

15 packaging the fragments into the data packages such that the data packages are operable to be separately transmitted by a short message service over the conveying network, data packages include a reference parameter corresponding to a number indicating the position of the fragments in the message.

